IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 12289 of 2007(K)

PETITIONERS:

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1. C.V.JOSEPH, S/O VARKEY,
   AGED 54, CHITTATTUKUNNEL HOUSE, VALAVOOR P.O.,
   PALA.

2. ALICE JOSEPH, W/O JOSEPH,
   AGED 48, CHITTATTUKUNNEL HOUSE,
   VALAVOOR P.O., PALA.

BY ADV. SRI.JAMES KURIAN
SRI.SANTHOSH MODAYIL

RESPONDENTS:

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1. THE EDANADU SERVICE CO-OPERATIVE BANK
   LTD., NO.1768, EDANADU P.O., PALA,
   REPRESENTED BY ITS SECRETARY.

2. THE JOINT REGISTRAR,
   CO-OPERATIVE SOCIETIES, KOTTAYAM.

3. ASSISTANT REGISTRAR (GENERAL),
   CO-OPERAIVE SOCIETEES, MEENACHIL, PALA
   (SPECIAL SALE OFFICER).

BY ADV. SRI.O.D.SIVADAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 12289/2007.

APPENDIX

PETITIONERS' EXTS:

EXT. P1 : COPY OF THE NOTICE DT. 19.7.2005.

EXT. P2 : COPY OF THE NOTICE DT. 19.7.2005.

EXT. P3 : TRUE COPY OF THE APPLICATION DT. 17.8.2005.

EXT. P4 : TRUE COPY OF THE REPRESENTATION DATED 26.2.2007.

RESPONDENTS' EXTS:

EXT. R1(a) : TRUE COPY OF THE ORDER NO.30/07-08 DATED 5.5.2007 PASSED BY THE 1ST RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No.12289 of 2007

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Dated this the 4th day of October, 2007

JUDGMENT

Case of the petitioners in brief is as follows: Petitioners availed a loan in the year 1997. It was not repaid. Arbitration case was filed against them. Award was passed and the respondent Bank purchased the property. It is submitted by the petitioners that they are residing in the property. Petitioners have approached this court seeking a direction to take a decision on Ext.P4 application and to intimate the petitioners the amount they are liable to pay under one time settlement scheme and seeks a direction to set aside the sale.

2. When the matter came up, learned counsel appearing for the respondent Bank submits that if the petitioners make an application for re-conveyance of the property, the respondent Bank will consider the same and take a decision sympathetically.

Recording this submission on behalf of the respondent Bank, the writ petition is disposed of directing that if the petitioners file a representation claiming re-conveyance before the first respondent

within a period of ten days from today, the first respondent will consider and take a decision in the matter and communicate it to the petitioners. If the petitioners file application within ten days from today, till such time as a decision is taken and communicated to the petitioners, , the interim order will continue.

(K.M. JOSEPH, JUDGE)

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